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7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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10 LOUIS GUERRA JR.,

Case No. CV 07-03343 MJJ

11 Plaintiff,

**ORDER DENYING PLAINTIFF'S
REQUEST FOR APPOINTMENT OF
COUNSEL**

12 v.
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14 NETFLIX,

15 Defendant.
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17 The Court is in receipt of Plaintiff Louis Guerra's ("Plaintiff") request for appointment of
18 counsel in this employment discrimination action brought pursuant to Title VII of the Civil Rights
19 Act of 1964.

20 In employment actions brought under Title VII of the Civil Rights Act of 1964, 42 U.S.C.
21 section 2000e-5(f)(1)(B), pro bono counsel may be appointed "[u]pon application by the
22 complainant and in such circumstances as the court may deem just." 42 U.S.C. § 2000e-5(f)(1)(B).
23 The Court must assess three factors under this section: "(1) the plaintiff's financial resources, (2)
24 the efforts made by the plaintiff to secure counsel, and (3) whether the plaintiff's claim has merit."
25 *Bradshaw v. Zoological Soc. of San Diego*, 662 F.2d 1301, 1318 (9th Cir. 1981) (citations omitted).


26 Although Plaintiff has made a showing of lack of financial resources, he has not
27 demonstrated substantial efforts to secure counsel. Plaintiff alleges to have contacted three
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1 attorneys, which is not an exhaustive search. Moreover, the Court is not convinced that Plaintiff's
2 claim has merit -- the third requirement of *Bradshaw*. "In the case of motions for appointment of
3 counsel, . . . the court need normally look only to the determination by an administrative agency, the
4 EEOC. For practical purposes, that agency's determination is ordinarily conclusive. If the agency
5 has found 'reasonable cause,' . . . the claim should normally be deemed meritorious." *Id.* at 1309.

6 Here, the administrative record shows that the EEOC did not find discrimination or
7 "reasonable cause," and was unable to conclude that the information obtained established violation
8 of the statute. The Court finds, therefore, that Plaintiff's case lacks sufficient merit at this point to
9 justify an appointment of counsel. Accordingly, Plaintiff's request is **DENIED** without prejudice.
10 Plaintiff may renew his request at a later date if he can demonstrate the requisite degree
11 of diligence in his efforts to secure counsel, and if he can make a greater showing of the merit of his
12 request.

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14 **IT IS SO ORDERED.**

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17 Dated: July 6, 2007

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19 MARTIN J. JENKINS
20 United States District Judge
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